

1  
2  
3  
4  
5  
6  
7  
8 **UNITED STATES DISTRICT COURT**  
9 **SOUTHERN DISTRICT OF CALIFORNIA**  
10

11 MICKAIL MYLES, an individual,

12 Plaintiff,

13 v.

14 COUNTY OF SAN DIEGO, by and  
15 through the SAN DIEGO COUNTY  
16 SHERIFF'S DEPARTMENT, a public  
entity; and DEPUTY J. BANKS, an  
individual,

17 Defendants.  
18

Case No. 3:15-cv-01985-JAH-BLM

**ORDER GRANTING  
DEFENDANTS' APPLICATION  
[Doc. No. 456]**

19 On November 14, 2022, Plaintiff filed a motion for sanctions and attorney fees  
20 and costs, (Doc. No. 445), and Defendants filed a motion for a new trial and a motion  
21 for judgment as a matter of law, (Doc. Nos. 447, 448). On November 18, 2022, the  
22 Court set a briefing schedule requiring the parties to respond to the other's motion on  
23 or before December 5, 2022. On November 30, 2022, Defendants filed an application  
24 seeking an order continuing the briefing on Plaintiff's motion until after the Court  
25 issues an order on the motion for a new trial and motion for a judgment as a matter of  
26  
27  
28

1 law.<sup>1</sup> Defendants contend an order granting either of their motions will impact  
2 Plaintiff's motions for sanctions and fees. In the alternative, they seek an extended  
3 briefing schedule on Plaintiff's motion.

4 Plaintiff opposes the motion and argues it is frivolous to believe Defendant will  
5 prevail on either of their pending motions, in light of the jury's verdict. Plaintiff  
6 further argues Defendants already received additional time to respond to the motion  
7 through the Court's briefing schedule. Upon consideration of the motion and  
8 Plaintiff's response in opposition, IT IS HEREBY ORDERED

9 1. Defendants' application is **GRANTED**;

10 2. The briefing on Plaintiff's motion for sanctions and attorney fees and  
11 costs is VACATED to be rescheduled following the Court's order addressing  
12 Defendant's motion for a new trial and motion for a judgment as a matter of law.

13 **IT IS SO ORDERED.**

14 DATED: December 2, 2022

15  
16   
17 THE HON. JOHN A. HOUSTON  
18 UNITED STATES DISTRICT JUDGE  
19  
20  
21  
22  
23  
24  
25  
26

27 \_\_\_\_\_  
28 <sup>1</sup> Defendants originally filed an application seeking the same relief on November 28,  
2022, which they later withdrew and filed the pending application.